

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS.**

SCOTT JENKINS and JENKINS DISPLAYS, CO .  
plaintiffs,

Vs.

FIRST VANDALIA CORP., d/b/a  
FIRST NATIONAL BANK OF VANDALIA,  
WILLIAM ERNEST CHAPPEL ESTATE,  
THE CITY OF VANDALIA,  
JACK JOHNSTON and FIRM.  
defendants.

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No. 3:22 - CV - 991 - SMY

**Motion to Alter or Amend Under Federal Rule of Civil Procedure 59(e) and  
Motion to Expedite the Ruling.**

Comes now Scott Jenkins pro se and states the following:

To prevent my Case from being closed, the following pleadings I state to establish (1) that the court committed a manifest error of law or fact, and (2) that newly discovered evidence precluded entry of judgment. I'll address number 2, newly discovered evidence first.

**1. State Case is Closed.**

1.1. Unbeknownst to this Court when it Ordered me to litigate my Case in State Court, my State Court Case is closed.

2013L10 JENKINS, SCOTT

Name	No.	Description	Type	Date	Satisfied?
Complaint/Count	1/1		Original		
Disposition	1	931 - Final Order - Case Closed	Original	07/28/2022	
Finding		FIRST NATIONAL CORP D/B/A	FOR		
Disposition	2	931 - Final Order - Case Closed	Original	07/28/2022	
Finding		CHAPPEL, WILLIAM ERNEST	FOR		
Disposition	3	931 - Final Order - Case Closed	Original	07/28/2022	
Finding		CITY OF VANDALIA	FOR		
Disposition	4	931 - Final Order - Case Closed	Original	07/28/2022	
Finding		JOHNSTON, JACK	FOR		
Disposition	5	931 - Final Order - Case Closed	Original	07/28/2022	
Finding		JENKINS, SCOTT	FOR		
Disposition	6	931 - Final Order - Case Closed	Original	07/28/2022	
Finding		JENKINS DISPLAYS CO	FOR		

I can't litigate in my Appellate Court because there's no rulings on my pending and remaining Motions.

**2. A Remand Order without a Removal Petition.**

- 2.1. The Court stated I, as a Plaintiff in a State Court Case, can't remove it to Federal Court. I was never a State Court Plaintiff regarding the Cause of Actions I'm bringing before this Court.
- 2.2. I never notified my State Court I was removing the Case, I never attached my State Court Complaint in my Federal Court pleadings, I never included any filed State Court Cause of Actions in my Civil Cover Sheet..
- 2.3. I may have improperly used the word "Removal" in a Title, but I had no way to change the Title of my Pleadings in the Clerk's Office after my Clerk determined my Case to be a "Federal Question", not a "Removal Petition".

**3. This Court Ruled a Case Label does not determine the type of Case.**

- 3.1. In 2014 this Court accepted the defense's Removal Petition, but remanded it stating labeling does not make a Case a certain type of Case:

REAGAN, Chief Judge:

Labelling a controversy a federal lawsuit does not make it so. For the reasons articulated below, the undersigned **REMANDS** this case to the Circuit Court of the Fourth Judicial Circuit, Fayette County, Illinois.

**4. This Court's Clerk made a Case Type Determination from a Civil Case Cover Sheet..**

- 4.1. I discussed my pleadings with this Court's Clerk in her Office to determine the proper Case type. She informed me of filing requirements unique to a Removal I had not done, nor could I ever do. My State Court Record is inaccurate and I'm under a standing State Court Order. I'm not allowed to file a Notice or anything else regarding my State Court Case. We determined my Case could not be a Removal Petition. I had no way to change the "Title" on the first page, but this Court's Clerk said to state the Causes of Actions on a Civil Case Cover Sheet Form I was required to fill out and the Clerk would determine the type of Case from it.
- 4.2. Attached as an exhibit is the Cover Sheet I filled out. Nowhere is my Case referred to as a Removal Petition:

<b>V. ORIGIN</b> (Place an "X" in One Box Only)		<small>Continuement</small>
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input checked="" type="checkbox"/> 3 Remanded from Appellate Court
<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer
		<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
<b>VI. CAUSE OF ACTION</b> Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>Due Process Violation, SRA, Bank Fraud, Civil Rights</u> Brief description of cause: <u>Unable to access Local Circuit Court</u>		
<b>VII. REQUESTED IN COMPLAINT:</b> <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.		DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>VIII. RELATED CASE(S) IF ANY</b> (See instructions): JUDGE <u>Beatty</u> DOCKET NUMBER <u>21-cv-434</u>		

- 4.3. Under "V. Origin" I did check both "removed from State Court and Remanded from Appellate Court". I really didn't understand section V and actually was trying to check the boxes I felt best describe my Case, originating with a State Court Action and it was Remanded by my State Appellate Court. I did ask the Clerk which Appellate Court does the Box pertain to, Federal or State. She just shrugged her shoulders and said she didn't know. In fact, numerous times when I asked the Clerk a question about the Cover sheet she responded the same. Finally she stated, "fill it out the best you can" which I did.
- 4.4. I didn't feel checking the "Original Proceeding" box to be proper since this overall matter had already been before this Court several times, and I still had a Case being Reconsidered by Judge Beatty which was relevant to the pleadings in this Case and I stated so in section "VIII".
- 4.5. I did my best filling out the Civil Cover Sheet form in the Clerk's Office with no assistance. When reviewing this Court's Record regarding the Defense's Removal Petition, it stated the Defense received email guidance from the Clerk. That was never afforded to me.
- 4.6. What's important to note contained within my Civil Cover Sheet is what I stated the Cause of Actions to be, this Court's Clerk determined it not to be a Removal Petition, entered it as a Federal Question Case, and no other determination exists.

**5. The Defense misled the Court that my Case is a Removal Petition..**

- 5.1. This Court should not rely on the Defense's pleadings to determine the type of Case. This Court is required to use the Clerk's case type determination absent any contrary ruling. This is an Error to warrant an Order Alteration or Amendment.

**6. State Court Consequences.**

- 6.1. I never notified my State Court of any removal action, a specific Removal Petition requirement. I never included any State Court pleadings or rulings, except as an Exhibit to back up my current allegations, a specific Removal Petition requirement. This Court can't accept a Removal Petition absent those requirements, and committed an Error warranting an Alteration or Amendment,
- 6.2. A Case returning that never left makes no sense and is contrary to when my Case was removed and remanded in 2014. My Circuit Clerk noted both the Removal and Remand, and is stated within my State Case's online record.

03/05/2015 Memorandum & Order entered. (Certified Faxed Copy from the US District Court)

UNASSIGNED

01/07/2014 Notice of Filing Notice Removal filed.

UNASSIGNED

**7. The Civil Case Cover Sheet.**

- 7.1. At the top of the Federal Civil Case Cover Sheet it states the Federal Clerk will determine what type of Action and initiate the Case based upon the information provided in the required Cover Sheet:

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)*

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In 2014 this Court's Pacer online Case Summary shows the Cause to be a "28:1441 Petition for Removal":

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**3:14-cv-00004-DWD** Jenkins et al v. First Vandalia Corp. et al

David W. Dugan, presiding

**Date filed:** 01/02/2014

**Date terminated:** 03/05/2015

**Date of last filing:** 04/26/2021

**Case Summary**

**Office:** East St. Louis  
**Jury Demand:** Both  
**Nature of Suit:** 440

**Filed:** 01/02/2014  
**Demand:**  
**Cause:** 28:1441 Petition for Removal



- 7.2. In this Case online Pacer Summary it shows the the Cause to be a "28:1331 Federal Question" absent any reference to a Petition for Removal:

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3:22-cv-00991-SMY Jenkins et al v. First Vandalia Corp. et al

Staci M. Yandle, presiding

Date filed: 05/12/2022

Date terminated: 07/22/2022

Date of last filing: 07/25/2022

### Case Summary

Office: East St. Louis  
Jury Demand: Plaintiff  
Nature of Suit: 440

Filed: 05/12/2022  
Demand:  
Cause: 28:1331 Fed. Question

When rendering a decision to remand, this Court may have assumed the pleadings existing before my State Court are the same as my pleadings before this Court in this Case. The Pleadings are not the same and I never stated them to be, Although the Defense did, by stating them to be a Rooker Feldman violation in their Remand Motion, the Defense doesn't determine my Case type, the Clerk does.

- 7.3. If the Defense feels the Clerk improperly stated the Case type, the Defense should have filed a Motion for the Court to determine it. Absent any Action by the Defense requires the Defense to accept the Clerk's determination, and the Clerk's determination of the Case to be a Federal Question. A Motion to Remand a Federal Question can not exist within a State forum.
- 7.4. I may have stated I felt a need existed for this Court to afford me a forum to litigate the pleadings before my State Court pleadings, but in this Case I chose to litigate due process, record tampering and fraud needed to come first.
- 7.5. It would be a conflict and may generate bias from my State Court for exposing what these pleadings allege within my State Court. I can't litigate in a Court before those responsible for the wrongful acts I allege.
- 7.6. The Civil Cover Sheet Cause of Actions section is the determining factor of defining my Case type, the reason this Court's Clerk required me to fill one out.

**8. The Defense's Motion to Remand is improper and unfair.**

- 8.1. My Response to the Defense's Remand Motion stated the Defense never addressed my current pleadings before this Court. By failing to address any of my Pleasings, the Defense is misleading this Court to believe my current pleadings in State Court to be the same as my pleadings in this Case. The Defense's misleading pleadings resulted in this Court to close my Case and ignore my pleadings, based on a ruling that doesn't apply to this Federal Question Case, "A Plaintiff can't remove a State Court Case".
- 8.2. The Defense's Remand Motion for a Removal that never existed, resulting in this Court to ignore my pleadings and remand them back to my State Court where they never existed is not an oversight by the Defense. The Defense is taking advantage of a pro se litigant's "Titling" error and lack of legal terminology knowledge. By the Defense accusing me of a Rooker Feldman Violation, they are alleging my pleadings are relitigation of State Court Pleadings.

**Summary.**

This Court can't Remand a Case Removal that doesn't exist, especially now into a State Case that no longer exists.

I respectfully request this Court not to close my Case and allow me to litigate the Federal Question Pleadings. I plan to then file for Leave in the future to Amend by adding Defendants and Allegations based upon preliminary Discovery I would like to commence right away.

I respectfully request this Court to expedite as much as possible on its Ruling regarding this Motion..

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott Jenkins", written over a horizontal line.

Scott Jenkins.

Dear Clerk,  
Please file these  
documents under  
Case #

Thanks

Scott Jenkins

618-335-3874



SCOTT Jenkins  
1910 Hollow  
Vandalia, IL 62471

22-991-SMY

Federal Clerk  
750 Missouri Ave  
E. St. Louis,

IL 62201

62201-2954593



CHAMPAIGN IL 618  
15 AUG 2022 PM 5 L

MAIL CLEARED  
STATIONALS



RECEIVED

AUG 17 2022

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE